

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, we, Charles E. Kelley, legal owner...of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B 02.3 C.1 to allow lot width of 50 feet for Lots 349, 350 in lieu of the required 55' and a side yard setback of 6.33' in lieu of the required 10' on Lots 346, 347, 348 for an existing dwelling (D.R. 5.5) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

For the reason: To meet county zoning requirements to build a single family home for myself on an undersized building lot where the code requires 55', we are asking for 50' variance on lots 349 and 350. Also, for a variance on Lots 346, 347, and 348 for a side setback requirement since the existing home was built before zoning laws were put into effect.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Charles E. Kelley
Contract purchaser
Address: 426 Shipley Road
Linthicum, Maryland 21090
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 23th day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 8th day of July, 1980, at 9:30 o'clock A.M.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 27, 1980

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

RE: Item No. 210
Petitioner - Charles E. Kelley
Variance Petition

Dear Mr. Kelley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, out to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures

cc: Lewis & Selby Land Surveyors
1205 Hillshire Rd.
Baltimore, Md. 21222



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL P.E.
DIRECTOR

June 2, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #210 (1979-1980)
Property Owner: Charles E. Kelley
N/S Daisy Ave. 525' E. Century Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' for Lots 349, 350 and to permit a side setback of 6.33' in lieu of the required 10' for the existing dwelling on Lots 346, 347 and 348.
Acres: 0.359 District: 13th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Daisy Avenue, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #210 (1979-1980)
Property Owner: Charles E. Kelley
Page 2
June 2, 1980

Water and Sanitary Sewers:

As indicated, there is a public 6-inch water main and 8-inch sanitary sewerage in Daisy Avenue.

Very truly yours,

ELLISWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:es

cc: J. Trenner
J. Somers

G-SE Key Sheet
20 SW 6 Pos. Sheet
SW 5 B Topo
109 Tax Map



Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

June 12, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comment for the following items:
Numbers 210, 211, 212, 215, and 216.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSF/mjm



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

June 3, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #210, Zoning Advisory Committee Meeting, April 29, 1980, are as follows:

Property Owner: Charles E. Kelley
Location: N/S Daisy Avenue 525' E. Century Avenue
Acres: 0.359
District: 13th

This office has reviewed the subject petition and offers the following comment. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

May 20, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #210, Zoning Advisory Committee Meeting of April 29, 1980, are as follows:

Property Owner: Charles E. Kelley
Location: N/S Daisy Ave. 525' E. Century Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55' for lots 349, 350 and to permit a side setback of 6.33' in lieu of the required 10' for the existing dwelling on Lots 346, 347 and 348.
Acres: 0.359
District: 13th

Metropolitan water and sewer is available; therefore, no health hazards are anticipated.

Very truly yours,

Don J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/fth

JUN 30 1980

ORDER RECEIVED FOR FILING
DATE August 16, 1989
BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of August, 1980, that the herein Petition for Variances to permit a lot width of 50 feet (Lots 349 and 350) in lieu of the required 55 feet, for the expressed purpose of constructing the Petitioner's residence, and a side yard setback of 6.33 feet (Lots 346, 347, and 348) in lieu of the required 10 feet, for the existing improvement located thereon, all in accordance with the site plan prepared by Lewis & Selby Land Surveyors, dated March 10, 1980, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of , 19 , that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S of Daisy Ave., 525' E of : OF BALTIMORE COUNTY
Century Ave., 13th District
CHARLES E. KELLEY, Petitioner : Case No. 81-4-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

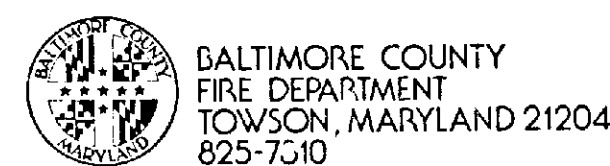
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

[Signature]
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1980, a copy of the foregoing Order was mailed to Mr. Charles E. Kelley, 426 Shipley Road, Linthicum, Maryland 21090, Petitioner.

[Signature]
John W. Hession, III



PAUL H. REINCKE
CHIEF

May 23, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owner: Charles E. Kelley

Location: N/S Daisy Avenue 525' E Century Avenue

Item No: 210 Zoning Agenda: Meeting of April 29, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER [Signature]
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: May 19, 1980
FROM: Charles E. Burnham
SUBJECT: Zoning Advisory Meeting - April 29, 1980

| | | |
|----------|-----|------------------------|
| ITEM NO. | 210 | Standard Comment |
| ITEM NO. | 211 | Standard Comment |
| ITEM NO. | 212 | Standard Comment |
| ITEM NO. | 213 | See Comments |
| ITEM NO. | 214 | See Comments |
| ITEM NO. | 215 | Standard Comment |
| ITEM NO. | 216 | Standard Comment |
| ITEM NO. | 217 | See Comments |
| ITEM NO. | 218 | See Comments |
| ITEM NO. | 149 | Revised - See Comments |
| ITEM NO. | 157 | Revised - See Comments |

[Signature]
Charles E. Burnham
Plans Review Supervisor

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 23, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 29, 1980

RE: Item No: 210, 211, 212, 213, 214, 215, 216, 217, 218
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

PETITION FOR VARIANCE
13th District

ZONING: Petition for Variances
LOCATION: North side of Daisy Avenue, 525 feet East of Century Avenue
DATE & TIME: Tuesday, July 8, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow lot width of 50 feet for Lots 349 and 350 in lieu of the required 55 feet and a side yard setback of 6.33 feet in lieu of the required 10 feet on Lots 346, 347 and 348 for an existing dwelling

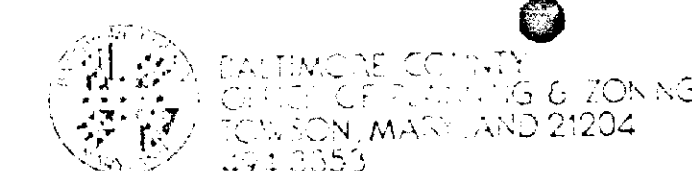
The Zoning Regulation to be excepted as follows:

Section 1802.3C.1 - Development Standards for Small Lots or Tracts
All that parcel of land in the Thirteenth District of Baltimore County

Being the property of Charles E. Kelley, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, July 8, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY



WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 25, 1980

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

RE: Petition for Variances
N/S Daisy Ave., 525' E Century Ave
Case No. 81-4-A

Dear Mr. Kelley:

This is to advise you that \$39.87 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,

[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEN:sj

June 11, 1980

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

NOTICE OF HEARING

RE: Petition for Variance - N/S Daisy Ave., 525' E Century Avenue
Case No. 80-267-A 81-4-A

TIME: 9:30 A.M.

DATE: Tuesday, July 8, 1980

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner

TO: John D. Seyffert, Director
Office of Planning and Zoning

DATE: July 1, 1980

FROM: Petitioner No. 81-4-A

SUBJECT: Petition for Variance
North side of Daisy Avenue, 525 feet East of Century Avenue
Petitioner- Charles E. Kelley

Thirtieth District

HEARING: Tuesday, July 8, 1980 (9:30 A.M.)

There are no comprehensive planning factors requiring comment on this petition.

John D. Seyffert
John D. Seyffert, Director
Office of Planning and Zoning

JDS:JGH:vg

August 18, 1980

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

RE: Petition for Variance
N/S of Daisy Avenue, 525' E of Century Avenue - 13th Election District
Charles E. Kelley - Petitioner
NO. 81-4-A (Item No. 210)

Dear Mr. Kelley:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,
William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:arl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

Office of
COLUMBIA PUBLISHING CO.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

19

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE 13TH DISTRICT NORTH SIDE OF
DAISY AVENUE, 525 FEET EAST OF CENTURY AVENUE
was inserted in the following:
☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland,
once a week for ONE successive weeks before
the 20th day of JUNE, 1980, that is to say,
the same was inserted in the issues of
6/19/80
COLUMBIA PUBLISHING CORP.
By *Barry Guntz*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY
Plaintiff
vs.
Defendant
CERTIFICATE OF PUBLICATION OF

\$15.62

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 19, 1980

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one time one week before the 20th day of July, 1980, the first publication appearing on the 19th day of June, 1980.

THE JEFFERSONIAN
Frank Stinson
Manager

Cost of Advertisement, \$

PETITION FOR VARIANCE
13th DISTRICT
ZONING: Petition for Variance
LOCATION: North side of Daisy Avenue, 525 feet East of Century Avenue
DATE & TIME: Tuesday, July 8, 1980 at 9:30 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:
Petition for Variance to allow lot width of 50 feet for Lots 548 and 550 in lieu of the required 55 feet and a side yard setback of 6.25 feet in lieu of the required 10 feet on Lots 546, 547 and 548 for an existing dwelling.
The Zoning Regulation to be enforced as follows:
Section 1802.07 - Development Standards for Small Lots or Tracts
All that parcel of land in the Thirtieth District of Baltimore County, beginning on the north side of Daisy Avenue 525 feet East of Century Avenue and known as Lot Numbers 546 to 550 of Section "B" of English Counsel Estate and recorded in the Land Records of Baltimore County, Maryland in Plat Book W.P.C. Number 1, Folio 102 and are also known as 2722 Daisy Avenue.
Being the property of Charles E. Kelley, as shown on plat plan filed with the Zoning Department.
Starting Date: Tuesday, July 8, 1980 at 9:30 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By Order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
June 18.

81-4-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting June 20, 1980

Posted for: PETITION FOR VARIANCE

Petitioner: CHARLES E. KELLEY

Location of property: N/S DAISY AVE., 525' E CENTURY AVENUE

Location of Signs: BETWEEN FRONTS 2722 & 2724 DAISY AVE.

Remarks: Change to Relief

Posted by: Signature Date of return: June 27, 1980

Number of Signs: ONE

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21254

Your Petition has been received this 14 day of April, 1980.

Filing Fee \$ 25.00 Received: ☒ Check ☐ Cash ☐ Other

William E. Hammond
William E. Hammond, Zoning Commissioner

Petitioner Charles E. Kelley Submitted by Kelly

Petitioner's Attorney _____ Reviewed by 203

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.



BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT

DATE: June 11, 1980 ACCOUNT: 01-652

RECEIVED: Charles E. Kelley AMOUNT: 125.00

FOR: Filing Fee for Case No. 81-4-A

DATE: July 1, 1980 ACCOUNT: 01-652

RECEIVED: Charles E. Kelley AMOUNT: 125.00

FOR: Filing Fee for Case No. 81-4-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING & ZONING
MISCELLANEOUS CASH RECEIPT

DATE: July 1, 1980 ACCOUNT: 01-652

RECEIVED: Charles E. Kelley AMOUNT: 125.00

FOR: Filing Fee for Case No. 81-4-A

No. 089823

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

cc: Lewis & Galby Land Surveyors
1205 Hillshire Rd.
Baltimore, Md. 21222

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 29th day of April, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Charles E. Kelley

Petitioner's Attorney _____ Reviewed by: Nicholas B. Commodari
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

| FUNCTION | Wall Map | | Original | | Duplicate | | Tracing | | 200 Sheet | |
|---|---|----|----------|----|-----------|----|---------|----|-----------|----|
| | date | by | date | by | date | by | date | by | date | by |
| Descriptions checked and outline plotted on map | | | | | | | | | | |
| Petition number added to outline | | | | | | | | | | |
| Denied | | | | | | | | | | |
| Granted by ZC, BA, CC, CA | | | | | | | | | | |
| Reviewed by: <u>007</u> | Revised Plans: Change in outline or description <u>Yes</u> No | | | | | | | | | |
| Previous case: | Map # | | | | | | | | | |

